

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

TROY PERTUSET,

Plaintiff,

v.

CIVIL ACTION NO. 2:16-cv-010554

MARGARET CLIFFORD,

Defendant.

MEMORANDUM OPINION AND ORDER

Before the Court is Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction (ECF No. 5), Plaintiff's Motion to Dismiss (ECF No. 11), and Plaintiff's Motion to Revive Suit Against Respondent (ECF No. 12). By Standing Order entered January 4, 2016, and filed in this case on November 4, 2016, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation (PF&R). Magistrate Judge Tinsley filed his PF&R (ECF No. 14) on May 8, 2017, recommending that this Court deny as moot Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction, Plaintiff's Motion to Dismiss, and Plaintiff's Motion to Revive Suit Against Respondent.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Plaintiff's right to appeal this


Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections to the PF&R in this case were due on May 25, 2017. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R (ECF No. 14), **DENIES AS MOOT** Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction (ECF No. 5), Plaintiff's Motion to Dismiss (ECF No. 11), and Plaintiff's Motion to Revive Suit Against Respondent (ECF No. 12).

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: June 6, 2016



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE